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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

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FEDERAL COMMUNICATIONS COMMISSION
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MM Docket No. 87-268

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**COMMENTS OF
US BROADCAST GROUP**

US Broadcast Group Licensee, L.P. I ("US Licensee I"), the licensee of broadcast stations WMGC(TV), Channel 34, Binghamton, New York and WWCP-TV, Channel 8, Johnstown, Pennsylvania, and the proposed assignee of broadcast station WATM-TV, Channel 23, Altoona, Pennsylvania, and US Broadcast Group Licensee, L.P. II ("US Licensee II"), the licensee of broadcast station WVNY(TV), Channel 22, Burlington, Vermont ("US Licensee I and US Licensee II, collectively, "US Licensees"), hereby comment on the Commission's "Sixth Further Notice of Proposed Rulemaking" ("Sixth Further Notice") adopted on July 25, 1996 and released August 14, 1996 in the above-captioned proceeding. These Comments are timely by virtue of the fact that they are being filed with the Commission on or before November 22, 1996.

I. Introduction

1. Earlier this year, US Licensee I acquired WMGC(TV) and WWCP-TV and US Licensee II acquired WVNY(TV), and their respective translator stations. WMGC(TV), WWCP-TV and WVNY(TV), as well as WATM-TV which US Licensee I is seeking to acquire, provide important news, information and entertainment programming to the citizens of their

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respective communities of license and surrounding service areas. Each station's devotion to local needs and interests has been complemented, on a national level, through the station's affiliation with one of the national television networks.

2. US Licensees support the Commission's Sixth Further Notice generally. They are committed to providing their viewers with the benefits of the highest broadcast technology available, including digital television service. However, they are concerned, as are all television broadcasters, about the extraordinary cost involved in making this new technology available and the likely long-term wait for a reasonable return on this investment. To moderate somewhat these risks, US Licensees seek to operate on DTV channels which will replicate their existing service areas with minimum chance of interference, and not involve any substantial increases in power consumption or the need to change DTV channels later on.

II. Discussion

A. WMGC(TV), Binghamton, New York

3. WMGC(TV) currently operates on NTSC Channel 34. The Commission has proposed Channel 4 as the station's DTV channel. US Licensee I proposes that the Commission change its DTV channel to Channel 10 since Channel 4 is outside of the FCC's "core spectrum" zone. In its Sixth Further Notice, the Commission has stated that for broadcasters outside the core spectrum they would have to move their DTV operations later to a channel in the core spectrum when one becomes available. This appears to indicate that the final DTV channel a licensee would be required to use would depend on what frequency first became available. Furthermore, these questions are raised: if, during the early stages of the transition period, Channel 50, for example, were to become available, would the licensee be required to move to

Channel 50 immediately or would the licensee have the option of waiting to move DTV operations to its NTSC channel at the end of the transition period? Could the licensee pass up an unavailable channel in the hope of obtaining a more satisfactory one later? In short, the ambiguity in the Commission's Sixth Further Notice makes it exceedingly difficult, if not impossible, to formulate a meaningful business plan for the future.

4. WMGC(TV)'s choice of Channel 10 as its DTV channel is concurred with by the other Binghamton area television stations. After the Association for Maximum Service Television ("MSTV") released its recommendations for DTV allotments, the broadcasters in the Binghamton area convened to discuss the FCC and MSTV allotment possibilities. Each area broadcaster was of the separate opinion that commercial stations in the market should be allocated to similar frequencies. From WMGC(TV)'s standpoint, its concern is with the vast difference in required power between VHF frequencies and UHF frequencies and the cost associated with adding a second high power transmitter to its operations. The Binghamton area television broadcasters were each of the opinion that all commercial television stations in the Binghamton area should be allocated entirely within a single band, either UHF or VHF, with frequencies as close together as practicable.

5. While US Licensees very much appreciate the hard work and dedication of MSTV to adjust the FCC's proposed Table of DTV Allotments, US Licensees do object to MSTV's proposal that WMGC(TV) operate on DTV Channel 57 requiring 1,000 kw of ERP. This would require a transmitter capable of approximately 200 kw. It is certain that the station's current tower could not handle additional equipment for this magnitude of power without extensive modifications. It could even require a complete tower replacement. The cost associated with

obtaining and operating a transmitter at that power level are simply not feasible. Therefore, US Licensee I has requested MSTV to move its allotment to VHF Channel 10, a frequency MSTV showed as "available" in their plan. Studies have shown Channel 10 to be a much better match in terms of the station's existing NTSC coverage as well as being less costly. Furthermore, the choice of Channel 10 has the major benefit of involving a one-time only move if the FCC were unpersuaded to modify its "core spectrum" plan to include additional channels. The Binghamton area television broadcasters are located in a smaller television market. Thus, there is a high premium on being able to control costs associated on the transition to DTV. If that transition is to be successful, the costs of that change over must be practical. The channel number is directly tied to the cost associated with both equipment acquisition and continued operation. While all television broadcasters want to keep costs under control, those in smaller markets may find that their DTV channel allotment will determine their ability to survive long term. Accordingly, WMGC(TV) respectfully requests the Commission to allot Channel 10, or any other VHF channel within the "core spectrum," for the station's DTV operations.

B. WWCP-TV, Johnstown, Pennsylvania and
WATM-TV, Altoona, Pennsylvania

6. US Licensee I owns and operates WWCP-TV, Johnstown, Pennsylvania and provides programming to WATM-TV, Altoona, Pennsylvania under an Interim Operating Agreement. The Commission and MSTV have proposed Channel 58 for WWCP-TV's DTV allotment. The FCC proposed Channel 49 for WATM-TV's DTV allotment and MSTV has proposed Channel 67. For the reasons articulated above, US Licensee I is requesting the Commission to allot either Channel 34 or Channel 44 as the DTV channel for WWCP-TV and

either Channel 15 or Channel 32 as the DTV allotment for station WATM-TV. Given the size of Johnstown and Altoona, it is critically important that the Commission look for ways to minimize the cost of transitioning from NTSC to DTV operations in those communities. The proposed allotment of Channel 58 for WWCP-TV by the FCC and MSTV, as well as the proposed allotment of Channel 67 by MSTV for WATM-TV, portend substantial increased operating costs as well as further required changes in each station's DTV operations in the event that the Commission does not modify its "core spectrum" range of channels.

C. Television Translators

7. WWCP-TV, Johnstown, Pennsylvania, WATM-TV, Altoona, Pennsylvania and WVNY(TV), Burlington, Vermont rely heavily upon translators. Each of these stations is located in an area of very rugged terrain impeding signal propagation. Their translators have become indispensable to insuring over-the-air pickup of their stations' local and network programming by thousands of households. Those translators are also relied upon by various cable systems to improve the television signal to their respective headends. The Commission must find a way to maintain the continued viability of translators to insure that the full-service television stations will be able to continue to replicate their current service coverage, a goal that has been paramount in the Commission's consideration of DTV.

III. Conclusion

Based on the foregoing, US Licensee I and US Licensee II respectfully urge the Commission to modify its proposed TV Table of DTV Allotments in the ways requested here.^{1/}

Respectfully submitted,

US BROADCAST GROUP LICENSEE, L.P. I
US BROADCAST GROUP LICENSEE, L.P. II

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^{1/} US Licensees intend to provide the FCC with an executed statement in support of these Comments.